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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,922	09/26/2001	Neil D. Falconer	0112300-638	1274
29159	7590	02/06/2004	EXAMINER	
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			MARKS, CHRISTINA M	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 02/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,922

Applicant(s)

FALCONER, NEIL D.

Examiner

C. Marks

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-12, 14-20, 22-27 and 29-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Crawford et al. (US Patent No. 6,270,412).

Crawford et al. discloses a gaming device with a plurality of independently operable identical sets of reels, wherein each set has a plurality of reels (FIG 6). The reels have identical sets of symbols (Column 6, lines 4-6). There are a plurality of paylines associated with each set of reels, wherein the paylines associated with one set are not associated with another (FIG 6, Column 5, lines 17-18). Crawford et al. also discloses a display device to simultaneously display the set of reels (FIG 6). The processor also simultaneously spins the reels (Column 7, lines 5-7). The processor also communicates with the display device (Column 7, lines 17-18) that enables a player to wager on paylines (Column 5, lines 58-65) and the processor also evaluates each of said sets of reels wagered on for winning combinations and pays the player accordingly (Column 7, lines 34-36).

Regarding claims 2, 9, 17 and 24 the player is placing a wager on predetermined combinations (FIG 9) to occur and the player is allowed to make this wager on at least one of the paylines (Column 5, lines 58-65).

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Regarding claims 3, 10, 18 and 25 the processor allows the player to wager on predetermined combinations to occur on a plurality of paylines associated with at least two sets of reels (Column 5, lines 57-67).

Regarding claim 4, the processor allows the player to wager on predetermined combinations to occur on at least one of paylines associated with each set (Column 6, lines 57-67).

Regarding claims 5, 12, 20 and 29, the player can wager on one or a combination of the sets of reels for a predetermined combination to occur (Column 6, lines 57-67).

Regarding claims 7, 14 and 27, Crawford et al. disclose that a player can wager on at least one of the paylines associated with a second set of reels when all lines of the first set are wagered on (Column 5, lines 57-67).

Regarding claims 11, 19, and 26, the processor allows the player to wager on symbols to occur on the paylines associated with the reels (Column 5, lines 57-67).

Regarding claim 16, the processor is adapted to enable to wager on individual paylines associated with each set of reels (Column 5, lines 57-67).

Regarding claim 23, the processor is adapted to enable the player to wager on paylines associated with the reels (Column 5, lines 57-67).

Regarding claims 30-33, the processor is adapted to enable the player to wager on the paylines associated with one reel without wagering on the other reels (Column 5, lines 57-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
-

Claims 6, 13, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford et al. (US Patent No. 6,270,412) in view of Nicastro et al. (US Patent No. 5,569,084).

What Crawford et al. disclose has been discussed above and is incorporated herein.

While Crawford et al. disclose a number of winning combinations (Column 5, lines 57-67) that allow the player to wager on predetermined combinations of symbols, it is not disclosed that Crawford et al. allows the player to wager on the symbols not occurring on the paylines. It is very well known in the art, as well as disclosed by Nicastro et al., to allow players to wager on the fact that no symbols will occur on the paylines (FIG 4). By allowing players to wager on the fact, that no symbols will occur on the paylines, the players will feel a greater chance of winning, as it is well known that often the payline stops just between two symbols. Given the opportunity to win on such a stop, the players feel more excited to play the game as they feel that since it occurs so often, they will have a greater chance of winning, if awarded for the payline not having symbols. For these reasons, one of ordinary skill in the art would be motivated to combine the teachings of Nicastro et al. into the paytables of Crawford et al. to allow the player to wager on no symbols being present on the payline.

Response to Arguments

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.



cmm
January 28, 2004



Teresa Walberg
Supervisory Patent Examiner
Group 3700